

ATTACHMENT B TABLE OF REVISIONS

South Carolina Department of Health and Environmental Control
Proposed Amendment of R.61-9, Water Pollution Control Permits
September 13, 2007

Headings below are numbered consistently with the proposals in the Statement of Need and Reasonableness, Appendix A.

Proposal 1. To incorporate changes to United States Environmental Protection Agency regulations, some of which the Department is not required to adopt. This proposed rule would revise several provisions of the General Pretreatment Regulations, including changes published at 70 Federal Register 60134, October 14, 2005, that address requirements for, and oversight of, Industrial Users who introduce pollutants into Publicly Owned Treatment Works (POTW). This proposed rule includes changes to certain program requirements to be generally consistent with National Pollutant Discharge Elimination System (NPDES) requirements for direct dischargers to surface waters. This action would allow POTW to better focus oversight resources on Industrial Users with the greatest potential for affecting POTW operations or the environment. Other regulation changes related to pretreatment may also be included.

Certain parts of the Federal regulation are more stringent than the present South Carolina regulation, and all of these are adopted in this amendment. Adoption of these is required by Federal regulation for South Carolina to maintain a discharge permit (NPDES) program in lieu of United States Environmental Protection Agency permitting.

Others of the Federal changes are less stringent than South Carolina regulation, and South Carolina is not required to adopt these. However, these changes make complying with pretreatment regulations more efficient, and the Department has chosen to also adopt these changes. The Department has revised these changes in some cases to allow review by the Department of requests by permittees for reduction of monitoring or reporting. These Department changes nonetheless lead to less stringent regulation than at present, as the present regulation has no allowance for the proposed waivers of monitoring or reporting.

OLD SECTION CITATION / NEW SECTION CITATION / EXPLANATION OF CHANGE

122.21(j)(6)(ii) / /

Revise a reference in this item based on items moved elsewhere in the regulation.

122.44(j)(1) / /

Correct the terminology in the item related to the Federal amendments.

122.62(d)(7) / /

Revise a reference in this item based on the Federal amendments.

403.3(b), (c), and (d) / 403.3(d), (e), and (f) /

Renumber the existing definitions, sequentially, to (d), (e), and (f) to maintain an alphabetic sequence of definitions.

403.3(e) / /

Delete the existing item, which is reserved.

OLD SECTION CITATION / NEW SECTION CITATION / EXPLANATION OF CHANGE

/ 403.3(b) /

Add, in alphabetic sequence, the definition of “Best Management Practices (BMP)”, per the Federal changes.

/ 403.3(c) /

Add, in alphabetic sequence, the definition of “Control Authority”, per the Federal changes.

403.3(f) through (n) / 403.3(g) through (o) /

Renumber the existing items, sequentially, to (g) through (o).

403.3(k) / 403.3(l) /

Re-designate the introductory language as item (l)(1), and add new item (l)(2). New (l)(2), based on Department concerns, will require certain privately-owned facilities to comply with Part 403.

403.3(n)(1) / 403.3(o)(1) /

Revise a reference in the introductory language based on adding an item within this item.

/ 403.3(o)(2) /

Add a new item defining “Non-significant Categorical Industrial User” and the conditions for designation.

403.3(n)(2) / 403.3(o)(3) /

Renumber the item, as stated above, to (o)(2), then renumber to (o)(3), and delete a reference.

/ 403.5(c)(2)(i) /

Add a new item), based on Department concerns, requiring that development by POTW of limits for Industrial Users consider the Department’s reasonable potential evaluation conducted during development of the NPDES permit.

/ 403.5(c)(2)(ii) /

Add a new item), based on Department concerns, restating from the S.C. Water Classifications and Standards that development by POTW of limits for Industrial Users must consider the current water quality standards (R.61-68).

/ 403.5(c)(4) /

Add a new item allowing use of best management practices to comply with pretreatment limits.

/ 403.5(d)(1) /

Add a new item, based on Department staff concerns, requiring use of U.S. EPA guidance in developing pretreatment limits.

/ 403.5(d)(2) /

Add a new item, based on Department staff concerns, concerning use of site-specific pollutant removal data in developing pretreatment limits.

403.6(c) / /

Revise a reference based on the Federal changes.

OLD SECTION CITATION / NEW SECTION CITATION / EXPLANATION OF CHANGE

403.6(d)(5) / 403.6(d)(7) /

Revise the item, based on Federal requirements, to require that POTW document the basis for pretreatment limits.

403.6(d)(6) / 403.6(d)(8) /

Revise the item, based on Federal requirements, to clarify application of limits.

/ 403.6(d)(5) /

Add a new item allowing, with Department staff approval, interchanging mass and concentration as the basis for limits.

/ 403.6(d)(6) /

Add a new item allowing, with Department staff approval, interchanging concentration and mass as the basis for limits.

403.6(e) / /

Delete a reference.

403.6(f) / /

Delete a reference.

403.7(h) / /

Revise a reference based on the Federal changes.

403.7(h)(2)(i) / /

Correct grammar.

403.7(h)(2)(ii) / /

Delete the language and reserve the item as it refers to overflows of combined sewers, combined sewers neither existing nor being allowed by regulation in South Carolina.

403.8(f)(1)(iii) / /

Revise the item, based on Federal changes referring to succeeding changes allowing the use of “general control mechanisms”.

403.8(f)(1)(iii)(A) through (E) / /

Delete the items related to criteria for control mechanisms.

/ 403.8(f)(1)(iii)(A) /

Add a new item allowing, with Department staff approval, the use of “general control mechanisms” to be issued by POTW for Industrial Users.

/ 403.8(f)(1)(iii)(B) /

Add a new item stating criteria for control mechanisms, including general control mechanisms.

403.8(f)(1)(v) / /

Revise a reference based on the Federal changes.

OLD SECTION CITATION / NEW SECTION CITATION / EXPLANATION OF CHANGE

403.8(f)(1)(vi)(B) / /

Revise the item based on the new type of control mechanism and for clarity.

403.8(f)(2)(v) / /

Revise the introductory language concerning POTW sampling of Industrial Users and slug control plans.

403.8(f)(2)(v)(A) through (D) / /

Delete the items describing a slug control plan.

/ 403.8(f)(2)(v)(A) /

Add a new item concerning POTW sampling at Industrial Users of pollutants with sampling waivers.

/ 403.8(f)(2)(v)(B) /

Add a new item concerning reevaluation by POTW of Non-significant Categorical Industrial Users.

/ 403.8(f)(2)(v)(C) /

Add a new item concerning reevaluation by POTW of Industrial Users with reduced monitoring.

403.8(f)(2)(vi) / 403.8(f)(2)(vii) /

Renumber the existing item.

/ 403.8(f)(2)(vi) /

Add a new item concerning POTW requiring Industrial Users to develop and implement slug discharge plans.

403.8(f)(2)(vii) / 403.8(f)(2)(viii) /

Renumber the existing item and revise the introductory language concerning public participation.

403.8(f)(2)(vii)(A) through (H) / 403.8(f)(2)(viii)(A) through (H) /

Renumber the existing items and revise criteria requiring public notice of violations.

403.8(f)(3) / /

Add a reference.

403.8(f)(4) / /

Clarify that not developing limits is subject to Department concurrence.

403.8(f)(6) / /

Revise references based on Federal changes.

403.12(a) / /

Delete the definition of “Control Authority”, which is to be stated at 403.3. Reserve the item.

403.12(b)(4)(ii) / /

Revise a reference based on Federal changes.

403.12(b)(5)(ii) / /

OLD SECTION CITATION / NEW SECTION CITATION / EXPLANATION OF CHANGE

Add requirements to document compliance through BMP.

403.12(b)(5)(iii) / /

Delete the item stating sampling methods, with the requirement to be restated at 403.12(g)(3).

403.12(b)(5)(iv) through (viii) / 403.12(b)(5)(iii) through (vii) /

Renumber the items, respectively.

403.12(b)(6) / /

Revise grammar.

403.12(b)(7)(ii) / /

Revise a reference and verbage for clarity.

403.12(e)(1) / /

Revise the item, based on the Federal changes, concerning Non-significant Categorical Users and Best Management Practices.

403.12(e)(2) / /

Delete the item related to reporting of sample results.

/ 403.12(e)(2) /

Add a new item, based on Federal changes, allowing, with Department staff approval, waivers of sampling and stating the conditions for the waivers.

403.12(e)(3) / 403.12(e)(4) /

Renumber the existing item.

/ 403.12(e)(3) /

Add a new item, based on Federal changes, allowing reduced reporting of sampling results.

403.12(g)(1) / /

Revise the item, based on the Federal changes, concerning Non-significant Categorical Users.

403.12(g)(2) / /

Revise the item, based on the Federal changes, concerning re-sampling at an Industrial User if a sample indicates a violation.

403.12(g)(3) / /

Per Federal requirements, add references and add requirements for sampling methods, some requiring Department staff approval.

403.12(g)(4) and (5) / 403.12(g)(5) and (6) /

Renumber the items, respectively.

/ 403.12(g)(4) /

Per Federal requirements, add an item requiring numbers of samples, with some reduced sampling requiring Department staff approval.

OLD SECTION CITATION / NEW SECTION CITATION / EXPLANATION OF CHANGE

/ 403.12(g)(6) /

Revise the item, based on the Federal changes, concerning Non-significant Categorical Users.

403.12(h) / /

Revise the item, based on the Federal changes, to require reporting for Industrial Users that are not subject to categorical pretreatment standards.

403.12(i)(1) / /

Revise the item, based on the Federal changes, to require reporting by POTW on Industrial Users which have been authorized reduced reporting.

403.12(j) / /

Revise the item, based on the Federal changes, to require reporting by Industrial Users on expected changes in their discharges.

403.12(l)(1)(ii) / /

Revise the item, based on the Federal changes, related to signatures on reports by Industrial Users.

403.12(l)(2) / /

Revise the item for grammar.

403.12(m) / /

Revise the paragraph related to signatures on reports to the Department by POTW.

403.12(o)(1) / /

Revise the introductory language, based on Federal requirements related to BMP.

403.12(o)(2) / /

Revise the item, based on Federal requirements related to BMP.

403.12(q) / /

Per Federal requirements, add a new item requiring annual certification by Non-significant Categorical Industrial Users.

403.13(m)(2) / /

Revise the item concerning appeals to the United States Environmental Protection Agency Regional Administrator.

403.15(a) / /

Revise the item, based on Federal requirements related to pollutants in intake water.

403.15(b)(1) / /

Revise the item, based on Federal requirements related to criteria for an allowance for pollutants in intake water.

403.15(c) / /

Delete the item, which is restated at new item 403.15(b)(1)(i).

403 Appendix G, Table I, Note 1 / /

Per Federal requirements, revise the introductory language of the note related to carbon monoxide, and revise the reference to S.C. regulations for clarity.

Proposal 2. To include requirements of South Carolina Act 387 (2006) related to appeals of permits and orders of the Department.

SECTION CITATION / EXPLANATION OF CHANGE

124.5(b) /

Revise the reference in this item to correspond with changes elsewhere in this regulation.

124.15(c) /

Delete the item related to appeals. It is replaced at 124.19, corresponding to Federal numbering, with new language.

124.19 /

Revise the item, previously reserved, related to appeals, with the number corresponding to Federal numbering, to include appropriate existing language from 124.15(c) and to add reference to S.C. Act 387 (2006).

Proposal 3. To make miscellaneous changes such as clerical corrections, renumbering, relocation, or revision of the existing regulation to reflect the changes resulting from the appropriate revised requirements.

SECTION CITATION / EXPLANATION OF CHANGE

122.2(b) /

Revise the definition of “Draft Permit” related to procedures stated in Part 124.

122.21(k) /

Revise the introductory language of the item for grammar.

122.26(a)(1)(ii) /

Revise the item for grammar.

122.26(b)(14) /

Revise the introductory language of the item to clarify that a reference is to the Federal regulation.

122.26(e)(7)(i)(B) /

Revise the format of the item.

122.32(a)(2) /

Correct a reference to Federal regulations.

122.32(f) /

Revise the title of the item for clarity.

SECTION CITATION / EXPLANATION OF CHANGE

122.62(d)(5) /

Revise the item to correct a reference.

122.64(a)(4)(ii) /

Revise the period of time defined in the item to correspond with that in the regulation approved by the South Carolina Legislature in May, 2003.

124.56(e) /

Delete and reserve this item. The item was based on delegation of the sludge disposal program by U.S. Environmental Protection Agency, which was not and is not expected to be delegated to the Department.

129.103(c)(1)(i)(b) /

Revise the item to correct the format.

403.3(c)(2) /

Revise reference to the Department.

403.6(d)(2) /

Correct a misspelling.

403.7(a)(3)(iv)(C) /

Revise a reference to South Carolina solid waste regulations based on changes to those regulations.

403.15(b)(3) /

Revise the item for grammar.

403 Appendix G, Table II, Headings /

Revise the headings under “Surface Disposal” to match the Federal regulation and to clarify the reference to South Carolina air emission regulations.

503.4(a), (b), and (c) /

Revise references to South Carolina solid waste regulations based on changes to those regulations.

503.12(m) /

Revise the item, related to sewage sludge disposal, to refer to a new edition of a Clemson University manual.

503.32, Table 4, Heading /

Revise the heading for spelling.

503.50(a) /

Revise the item to clarify the effective date, based on the date of promulgation.

504.4(a), (b), and (c) /

Revise references to South Carolina solid waste regulations based changes to those regulations.

504.12(m) /

Revise the item, related to industrial sludge disposal, to refer to a new edition of a Clemson University manual.

SECTION CITATION / EXPLANATION OF CHANGE

504.22(a)(2) /

Revise the item to up-date references to other Department regulations and to clarify reference to the effective date of the requirement, based on the date of promulgation.

504.50(a) /

Revise the item to clarify the effective date, based on the date of promulgation.

505.41(p)(5) /

Revise the item for grammar.

505.45(i)(9)(i) /

Revise a reference in the item.